IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.GIRI

WEDNESDAY, THE 19TH DECEMBER 2007 / 28TH AGRAHAYANA 1929

WP(C).No. 37874 of 2007(H)

PETITIONERS:
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1. **P.C. RAJU, AGED 44 YEARS,**
   APPU GHAR, EARA P.O., ALAPPUZHA.

2. **C.S. JAYAKUMAR,**
   CHENNATT, KUNHATHUR PRAYAR P.O.

3. **P.K. SURESH,**
   PLAMPARAMBIL, PALLAM P.O., KOTTAYAM-07.

4. **DANEESH K.G.,**
   KAIDACHIRA, KARUKACHAL P.O., KOTTAYAM DISTRICT.

5. **K.S. HARILAL,**
   SREEVALSAM, AAYAMKUDI P.O., MUTTUCHIRA, KOTTAYAM.

6. **C. SHAJI,**
   CHERICHIRAYIL, UDAYANAPURAM P.O., VAIKOM.

7. **P.R. SURESH,**
   PANDARATHARA, K.S. MANGALAM P.O.,
   VAIKOM, KOTTAYAM DISTRICT.

8. **K.K. SOLLYMON,**
   KOKKAT VEEDU, THEKKENADA P.O.,VAIKOM, KOTTAYAM.

9. **SURESH KUMAR M.M.,**
   MATHASSERIL VEEDU, AMBIKA MARKET P.O.,KOTTAYAM DT.

10. **MUHAMMED ASHRAF M.V.,**
    MOOLAVALAPPIL HOUSE, KAVANAMTHEKKUMURI P.O.,
    KALPAKANCHERI VIA., MALAPPURAM DISTRICT.

11. **MUHAMMED SHAREEF P.,**
    PAZHAYAKATH HOUSE, P.O. B.P. ANGADI,
    TIRUR, MALAPPURAM DISTRICT.

W.P.(C). NO. 37884/2007:

12. **MURALEEDHARAN K.,**
KRISHNAGADHA, PATTARUPARAMBU, K.PURAM,
MALAPPURAM DISTRICT.

13. **K.C. MURALEEDHARAN,**
KALARIKKAL VEEDU, KUTTIPPURAM P.O.,MALAPPURAM DIST.

14. **K. JAYARAJAN,**
KATTIYAN VEEDU, P.O. OZHOOR, MALAPPURAM DISTRICT.

15. **GANGADEVI J.,**
KOCHUVEEDU, KUMARANALLOORE, KOTTAYAM DISTRICT.

16. **SHAJI P.,**
ORUPARAYIL, KAINADI P.O., CHAKKACHAMPAKKA,
ALAPPUZHA.

17. **SUNIL KUMAR A., S/O. AIYAPPAN,**
ANIL VIHAR, KAKATHANAM, KOTTAYAM.

18. **T. SAJEEV KUMAR,**
MUTHIRAKKUNNIL, VADAVATHOOR P.O., KOTTAYAM-10.

19. **VINODKUMAR V.S., S/O.SASIDHARAN K.K.,**
VINOD BHAVAN, KATTILAPPADAM, PALLIKKUTHU P.O.,
NILAMBUR.

20. **JAFFER K., S/O. ABDULLA K.,**
KALLIYIL HOUSE, AYIKKARAPPADI P.O., PULIKKAL VIA.,
MALAPPURAM DISTRICT.

21. **MUHAMMEDELI,**
PARAKKAL, KADAPPARAMBIL HOUSE, ARIMBRA P.O.,
KONDOTTY, MALAPPURAM DISTRICT.

BY ADV. SRI.P.SANJAY,
SRI.A.PARVATHI MENON.

RESPONDENTS:
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1. **STATE OF KERALA,**
REP. BY CHIEF SECRETARY TO GOVERNMENT,
GOVERNMENT SECRETARIAT, TRIVANDRUM.

W.P.(C). NO.37874/2007-H:

2. PRINCIPAL SECRETARY TO GOVERNMENT,
PERSONNEL AND ADMINISTRATIVE REFORMS DEPARTMENT,
GOVERNMENT SECRETARIAT, TRIVANDRUM.

3. PRIINCIPAL SECRETARY,
HEALTH AND FAMILY WELFARE DEPARTMENT,
SECRETARIAT, TRIVANDRUM.

4. SECRETARY,
TRANSPORT DEPARTMENT, GOVERNMENT OF KERALA.

5. SECRETARY,
INDUSTRIES DEPARTMENT, GOVERNMENT OF KERALA.

6. COMMISSIONER,
RURAL DEVELOPMENT DEPARTMENT, GOVT.SECRETARIAT,
TRIVANDRUM.

7. SECRETARY,
EDUCATION DEPARTMENT, SECRETARIAT, TRIVANDRUM.

8. DIRECTOR,
TREASURY DEPARTMENT, TRIVANDRUM.

BY GOVT. PLEADER SRI. BEJOY CHANDRAN.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 19/12/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

V. GIRI ,J.

WP(C).NO.37874 of 2007

Dated this the 19th day of December, 2007

JUDGMENT

The petitioners are working as Peons in various departments. They were appointed pursuant to advice memos issued by the Public Service Commission by enforcing a rank list relating to Peons in Various Departments. The allotment of a person advised from the rank list is by the Government. According to the petitioners persons who are allotted to some department like Revenue, Judicial, Local Self Government Department are in a position to be considered for promotion to the post of various posts in the ministerial category in terms of various special rules. But the situation is different in other departments like Education, Rural Development and Treasury. The petitioners contend that persons included in the rank list and advised earlier, ultimately ended up stagnating in their department for lack of opportunities for being considered for promotion to the posts in ministerial category whereas persons who might have been advised later from the same rank list could

aspire for promotion as an LDC or UDC as the case may be. There is therefore an anomalous situation prevailing, warranting action by the Government (either by way of enactment of special rules or by incorporation of an appropriate proviso in the various special rules). These aspects have been brought to the notice of the Government under Exts.P4 and P9.

2. After having heard the learned Government Pleader also, the writ petition is disposed of directing the first respondent to look into Exts.P4 and P9, hear one among the petitioners and take a decision thereon, within three months from the date of receipt of a copy of this judgment.

V. GIRI, JUDGE.

pmn/